

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

MARC BRODY,

Plaintiff,

V.

MATTHEW SALVATO et al.,

Defendants.

Civil Action No. 16-3297 (SRC)

## ORDER

**CHESLER, District Judge**

This matter comes before the Court on the motion for reconsideration by Defendants Matthew Salvato, Next Level Web Strategies, LLC, Professional Court Reporting and Video, LLC, and Stephen Silenzio (collectively, “Defendants”). Defendants seek reconsideration of this Court’s Opinion and Order remanding the case to the Superior Court of New Jersey. For the reasons stated below, this motion is declared a nullity.

On August 9, 2016, this Court entered an Opinion and Order which remanded this case to the Superior Court of New Jersey for lack of subject matter jurisdiction. The docket reflects that, on that same date, the Clerk of this Court mailed a certified copy of the Order remanding the case to the Union County Courthouse. Under Third Circuit law, this action by the Clerk of this Court terminated the jurisdiction of this Court over this case, transferring it to the Superior Court of New Jersey: “The general rule is that a district court loses jurisdiction over a case once it has completed the remand by sending a certified copy of the remand order to the state court. . . [T]he physical mailing of the certified copy is the key jurisdictional event to divest the district court of

jurisdiction . . .” Trans Penn Wax Corp. v. McCandless, 50 F.3d 217, 225 (3d Cir. 1995)  
(citations omitted).

On August 9, 2016, that key jurisdictional event occurred. Bright line rules in the law do not get any brighter than this one: “At the moment of mailing — the jurisdictional event — the remand order became unreviewable ‘on appeal or otherwise.’ . . . Once mailed, the order may not be reconsidered.” Agostini v. Piper Aircraft Corp., 729 F.3d 350, 356 (3d Cir. 2013).

Having been filed after the mailing of the remand Order, the motion for reconsideration cannot be entertained. The motion for reconsideration (Docket Entry No. 8) is declared a nullity.

**SO ORDERED.**

s/St Stanley R. Chesler  
STANLEY R. CHESLER, U.S.D.J.

Dated: September 8, 2016